

# Notice of Allowability

Application No.

10/797,031

Examiner

Lynda M. Salvatore

Applicant(s)

BRAEKEVELT, GEERT

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/08/07.
2. ☒ The allowed claim(s) is/are 1-12, 26, 28-38 and 51-55.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and remarks filed 02/02/07 and supplemental response filed 03/08/07 have been fully considered and entered. Claims 1,26,28-29 and 31 have been amended and new claims 51-55 have been added as requested. Applicant's amendments to claims 1 and 26 are found sufficient to overcome the rejections of claim 1-14, 26-30, 32-36, 38-43 and 45-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Pappas et al., US 5,071,699 in view of Maekawa, US 3,986, 530 as set forth in section 4 of the Office Action dated 11/02/07. Specifically, the combination of prior art fails to teach the limitation of metal strands comprising metal wires and metal cords comprising metal wires. As such, this rejection is hereby withdrawn. Applicant's amendments are found patently distinguishable over the prior art made of record and Applicant's arguments are found persuasive of patentability for reasons set forth herein below.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 02/02/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,787,491 has been reviewed and is accepted. The terminal disclaimer has been recorded. Accordingly, the double patenting rejections set forth in section 2 of the Office Action dated 11/02/07 are hereby withdrawn.

### ***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance: Claims 1-12,26,28-38,51-55.

The combination of cited prior art fails to teach or fairly suggest the claimed invention set forth in independent claims 1,26, 31,54 and 55. Specifically, the prior art made of record fails to teach the limitation of metal strands comprising metal wires and metal cords comprising metal wires. Rather, the prior art made of record teaches staple fibers. It is the position of the Examiner that staple fibers do not meet the limitation of metal strands or cords comprising metal wires. Additionally, as previously set forth, the combination of prior art failed to teach arranging all of the polymer tapes in the weft direction. The prior art also fails to teach connecting the formed woven fabric comprising flat polymer tapes and conductive metal elements to a hose to form a reinforced hose or tube. No motivation is found in the prior art to suggest that the conductive fabric can be joined to a hose to form a reinforced hose or tube. An updated art search did not produce any new substantial art for which to base a rejection and presently no motivation exists to form an obviousness type rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

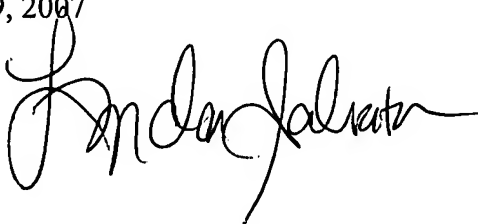
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 29, 2007

ls

A handwritten signature in black ink, appearing to read "Linda J. Galante", written in a cursive style.

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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glen Law on 5/29/07.

### **IN THE SPECIFICATION**

Under the Title: Woven Composite Fabric

Update the continuing data as follows:

The present application is a continuation of U.S. Application Aerial No. 10/149,120, now U.S. 6,787,491 filed June 7, 2002, which is the national stage application of PCT/EP00/12760 filed December 13, 2000, the entire contents of which are incorporated herein by reference.